

BELLEVUE, WA 98004

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/718,862	10/718,862 11/21/2003		Santosh Devasia	UNIV0189	1366	
25268	7590	09/02/2005	DS EXAMINER			
LAW OFF: 600 108TH		RONALD M A	SNIEZEK,	SNIEZEK, ANDREW L		
SUITE 507	11 V D, 11D		ART UNIT	PAPER NUMBER		

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
		10/718,862	DEVASIA ET AL.				
	Office Action Summary	Examiner	Art Unit				
		Andrew L. Sniezek	2651				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SH WHIC - External afternal	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Openod for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133)				
Status							
2a)□	Responsive to communication(s) filed on 17 Mg. This action is FINAL . 2b) This Since this application is in condition for alloward closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro					
Dispositi	on of Claims						
5)⊠ 6)□ 7)⊠ 8)□ Applicati 9)□	Claim(s) 1-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) 1-26 is/are allowed. Claim(s) is/are rejected. Claim(s) 8,9,13,21 and 22 is/are objected to. Claim(s) are subject to restriction and/or on Papers The specification is objected to by the Examiner The drawing(s) filed on 21 November 2003 is/ar Applicant may not request that any objection to the content of	vn from consideration. relection requirement. r. re: a)⊠ accepted or b)□ object drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).				
11)	Replacement drawing sheet(s) including the correction The oath or declaration is objected to by the Example 1						
	nder 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
2) ☐ Notice 3) ☑ Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) No(s)/Mail Date 5/17/04.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:	(PTO-413) ite atent Application (PTO-152)				

Application/Control Number: 10/718,862 Page 2

Art Unit: 2651

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 5/17/04 has been considered.

Drawings

- 2. The drawings filed 11/21/03 are acceptable to the examiner.
- 3. This application is in condition for allowance except for the following formal matters:

Claim Objections

- 4. Claims 8-9 and 21-22 are objected to under 37 CFR 1.75 (a) as not particularly and distinctly pointing out the claimed invention. The limitations as provided in claims 8-9 and 21-22 that move the element during the transition-time interval **as well as** the post-actuation input after the transition-time interval (claims 8 and 21) or pre-actuation input before the transition-time interval (claims 9 and 22), contradicts the limitations or respective claims 1 and 14 that states that the element **only moves** during the transition-time interval. Appropriate correction is required.
- 5. Claim 13 is objected to under 37 CFR 1.75 (c) as being improper dependent:

 The claimed medium could be infringed without infringing upon the respective base claim drawn to a method. Possession of a medium including instructions to perform a method that infringes on the claimed medium does not necessarily mean that the actual method has been performed and therefore the method of the base claim is not necessarily infringed. Hence, claim 13 is an improper dependent claim as failing the

Application/Control Number: 10/718,862 Page 3

Art Unit: 2651

Infringement test outlined in MPEP 608.01(n) II. TREATMENT OF IMPROPER

DEPENDENT CLAIMS, III. INFRINGEMENT TEST. Appropriate correction is required.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Galloway and Gregg are cited showing background disk drive arrangements.

Allowable Subject Matter

- 7. Claims 1-26 are allowed over the prior art of record.
- 8. The following is a statement of reasons for the indication of allowable subject matter: The claimed method as set forth in claim 1 including each of the steps (a) (d), and corresponding controller as set forth in claim 14 containing respective elements, such that the element only moves during the transition-time interval such that energy applied outside this interval is hidden so that the element does not move other than during the transition-time interval by determining optimal input signals based on optimal internal states for a selected optimization criterion is neither taught by nor an obvious variation of the art of record. The claimed method as set forth in claim 26 including each of the steps (a-g) which are used to move an element during a transition-time interval by obtaining an optimal output-transition solution in a manner as set forth is neither taught by nor an obvious variation of the art of record.

Prosecution on the merits is closed in accordance with the practice under *Ex* parte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO**MONTHS from the mailing date of this letter.

Art Unit: 2651

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 571-272-7563. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew L. Sniezek
Primary Examiner
Art Unit 2651

Page 4

A.L.S. 8/31/05